

1 states that the microcrystalline chitin (not chitosan) should be
2 used with an emulsifier in emulsion-type foods like mayonnaise
3 (abstract and col. 6, lines 30-39). The chitin referred to by
4 Furda is a hydrolyzed and sheared form of chitin. No mention
5 whatsoever of chitonase is made by Dunn et al. Chitonase is an N-
6 deacetylated derivative of chitin; it is not itself chitin, and it
7 certainly is not microcrystalline chitin. Thus, it is not seen how
8 Dunn et al.'s teaching regarding microcrystalline chitin, prepared
9 by acid hydrolyzation and shearing of chitin makes the present
10 invention obvious, whether or not considered in light of the
11 teachings of Furda and Hennen. The present invention, by using
12 chitosan instead of microcrystalline chitin, is using an ingredient
13 that, unlike Dunn et al.'s microcrystalline chitin, is non-sheared
14 and N-deacetylated. Even if chitosan and microcrystalline chitin
15 could somehow be considered equivalents, Dunn et al actually
16 teaches away from the present invention by suggesting the need for
17 an emulsifier if microcrystalline chitin is to be used as a
18 thickener and stabilizer in peanut butter; in fact, as the present
19 invention shows, no emulsifier need be added to achieve the desired
20 stabilization when chitosan is used.

21 The examiner also rejected claim 1-12 as product-by-process
22 claims for a product asserted to be non-unique. Actually, as the
23 enclosed Declaration Under 37 CFR 1.132 shows, the peanut butter
24 blend created by the applicant's method is distinctly different
25 from prior art peanut butter blends. Accordingly, the product-by-
26 process claims 10-12 are allowable.

27 WHEREFORE, the applicant submits that the application is in a
28 condition for allowance, and requests that the amendments be
entered and that claims 1-12, as amended, be allowed.

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Respectfully submitted by:



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